

REMARKS

Prior to this amendment, claims 1-23, 25-34, 36, and 55-64 were pending. We have amended claims 1, 27, 31, 36, 56, 57, 59, 62, and 64, cancelled claims 15, 30, 35, 55, 58, and 60-61, and added new claims 65-68. Accordingly, claims 1-14, 16-23, 25-29, 31-34, 36, 56-57, 59, and 62-68 are presented for reconsideration.

*Information Disclosure Statement*

We are submitting an information disclosure statement concurrently with this amendment.

*Statement of Common Ownership*

This application and U.S. Pub. No. 2003/0044158 are commonly-owned.

The inventors of this application and the inventors of U.S. Pub. No. 2003/0044158 were, at the time the invention was made, under obligation to assign to Omniduide Communications Inc., now Omniduide, Inc.

An assignment from the inventors to Omniduide Communications Inc., was recorded for this application at Reel 014470, Frame 0046 on March 29, 2004.

An assignment from inventors to Omniduide Communications Inc. (designated as Omniduide Communications), was recorded for U.S. Pub. No. 2003/0044158 at Reel 012950, Frame 0366 on June 4, 2002.

A Change of Name document indicating the change of assignee's name from Omniduide Communications Inc. to Omniduide, Inc. was recorded for both this application and U.S. Pub. No. 2003/0044158 at Reel 017198, Frame 0224 on January 17, 2006.

*Claim Rejections*

Claims 1-23, 25-34, 36, and 55-64 were rejected either as being either anticipated or obvious in view of King et al. (U.S. Pub. No. 2003/0044158). However, as stated above, this application and U.S. Pub. No. 2003/0044158 are commonly-owned, and the inventors of both

were subject to an obligation to assign to the same assignee at the time of invention.

Accordingly, pursuant to 35 U.S.C. § 103(c), King et al., which qualifies as prior art under 35 U.S.C. § 102(e), is not usable in an obviousness rejection under 35 U.S.C. § 103.

#### Independent Claim 1

Independent claim 1 was rejected as being anticipated by King et al. However, independent claim 1 has been amended to include the limitation of claim 15. Claim 15 was rejected as being obvious in view of King et al. For the reasons set forth above, King et al. is not usable in a rejection under 35 U.S.C. § 103. Accordingly, we ask that the rejection of claim 1 in view of King et al. be withdrawn.

Claims 1-14, 16-23, 25-26, 56-57, and 62-64 depend, either directly or indirectly, from claim 1 and should be allowable over King et al. for at least those reasons set forth in connection with 1 above. We ask that the prior art rejection of these claims be withdrawn.

Claim 15 has been cancelled, so the rejection of this claim should be withdrawn.

#### Independent Claim 27

Independent claim 27 was rejected as being anticipated by King et al. However, independent claim 27 has been amended to include the limitation of claim 30. Claim 30 was rejected as being obvious in view of King et al. For the reasons set forth above, King et al. is not usable in a rejection under 35 U.S.C. § 103. Accordingly, we ask that the rejection of claim 27 as being unpatentable in view of King et al. be withdrawn.

Claims 28-29 and 31-36 depend, either directly or indirectly, from claim 27 and should be allowable over King et al. for at least those reasons set forth in connection with 27 above. We ask that the prior art rejection of these claims be withdrawn.

Claim 30 has been cancelled, so the rejection of this claim should be withdrawn.

#### Independent Claim 55

Independent claim 55 has been cancelled so the rejection of this claim should be withdrawn. Furthermore, claims 58 and 60-61 which depend either directly or indirectly from claim 55 have been cancelled, so the rejection of these claims should also be withdrawn.

### *New Claims*

New claim 65 includes all the limitations of claim 19 rewritten in independent form including the limitations of base claim 1. Claim 19 was rejected as being obvious in view of King et al. Accordingly, new claim 65 should be allowable over King et al. because King et al. is not usable in a rejection under 35 U.S.C. § 103. We ask that claim 65 be allowed.

New claim 66 includes the limitations of claim 34 rewritten in independent form including the limitations of base claim 27 and intervening claim 33. Claim 34 was rejected as being obvious in view of King et al. Accordingly, new claim 66 should be allowable over King et al. because King et al. is not usable in a rejection under 35 U.S.C. § 103. We ask that claim 66 be allowed.

New claims 67 and 68 depend, indirectly and directly, respectively, from claim 1 and should be allowable over King et al. for at least those reasons set forth above in connection with claim 1. Support for claim 67 can be found, for example, in the application on Fig. 2 and in the specification on page 11, lines 21-22. Support for claim 68 can be found, for example, in the specification on page 1 at lines 15-16. We ask that claims 67 and 68 be allowed.

### *Conclusion*

We submit that all claims are in condition for allowance, which action is requested.

Cancelled claims have been cancelled without prejudice or disclaimer. Any circumstance in which we have (a) addressed certain comments of the Examiner does not mean that we concede other comments of the Examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or cancelled a claim does not mean that we concede any of the Examiner's positions with respect to that claim or other claims.

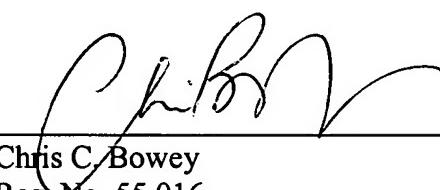
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Enclosed is a \$510.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 13445-027001.

Respectfully submitted,

Date: 5/1/2006

  
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